REMARKS

Favorable reconsideration of this application is respectfully requested in view of the following remarks.

Status of Claims

Claims 1, 2, 4-6, and 8-16 are currently pending in the application, of which claims 1 and 5 are independent. Claims 3 and 7 were previously canceled without prejudice or disclaimer of the subject matter contained therein.

In the Office Action dated April 20, 2011, claims 1, 2, 4-6, and 8-16 were rejected.

No amendments are made in this Response.

Summary of the Office Action

Claims 1 and 16 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Application Publication No. 2002/0131427 to Niermann (hereinafter "Niermann") in view of U.S. Patent No. 7,054,026 to Garcia-Martin et al. (hereinafter "Garcia-Martin") and further in view of U.S. Patent No. 6,507,649 to Tovander (hereinafter "Tovander").

Claims 2 and 15 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Niermann in view of Garcia-Martin and Tovander, and further in view of U.S. Patent No. 6,594,258 to Larson et al. (hereinafter "Larson").

Claim 4 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Niermann in view of Garcia-Martin and Tovander, and further in view of U.S. Patent Application Publication No. 2002/0196779 to Khandri et al. (hereinafter "Khandri").

Claims 5, 8, and 12 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Niermann in view of Garcia-Martin and Tovander, and further in view of Khandri.

Claims 6 and 11 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Niermann in view of Garcia-Martin and Tovander, and further in view of Khandri and Larson.

Claim 9 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Niermann in view of Garcia-Martin and Tovander, and further in view of Khandri and U.S. Patent Application Publication No. 2007/0220166 to Lundstrom (hereinafter "Lundstrom").

Claim 10 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Niermann in view of Garcia-Martin and Tovander, and further in view of Khandri and U.S. Patent Application Publication No. 2003/0016684 to Prasad et al. (hereinafter "Prasad").

Claim 13 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Niermann in view of Garcia-Martin and Tovander, and further in view of Prasad.

Claim 14 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Niermann in view of Garcia-Martin and Tovander, and further in view of Lundstrom.

The rejections above are respectfully traversed for at least the reasons set forth below.

Claim Rejections Under 35 U.S.C. §103(a)

The test for determining if a claim is rendered obvious by one or more references for purposes of a rejection under 35 U.S.C. § 103 is set forth in _KSR International Co. v. Teleflex Inc._, 550 U.S. 398, 82 USPQ2d 1385 (2007):

> "Under §103, the scope and content of the prior art are to be determined;
> differences between the prior art and the claims at issue are to be ascertained;

and the level of ordinary skill in the pertinent art resolved. Against this background the obviousness or nonobviousness of the subject matter is determined. Such secondary considerations as commercial success, long felt but unsolved needs, failure of others, etc., might be utilized to give light to the circumstances surrounding the origin of the subject matter sought to be patented." Quoting *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1 (1966).

As set forth in MPEP 2143.03, to ascertain the differences between the prior art and

the claims at issue, "[a]ll claim limitations must be considered" because "all words in a claim

must be considered in judging the patentability of that claim against the prior art." *In re*

Wilson, 424 F.2d 1382, 1385. According to the Examination Guidelines for Determining

Obviousness Under 35 U.S.C. 103 in view of *KSR International Co. v. Teleflex Inc.*, Federal

Register, Vol. 72, No. 195, 57526, 57529 (October 10, 2007), once the *Graham* factual

inquiries are resolved, there must be a determination of whether the claims would have been

obvious to one of ordinary skill in the art based on any one of the following proper rationales:

> (A) Combining prior art elements according to known methods to yield predictable results; (B) Simple substitution of one known element for another to obtain predictable results; (C) Use of known technique to improve similar devices (methods, or products) in the same way; (D) Applying a known technique to a known device (method, or product) ready for improvement to yield predictable results; (E) "Obvious to try"—choosing from a finite number of identified, predictable solutions, with a reasonable expectation of success; (F) Known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations would have been predictable to one of ordinary skill in the art; (G) Some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention. *KSR International Co. v. Teleflex Inc.*, 550 U.S. 398, 82 USPQ2d 1385 (2007).

Furthermore, as set forth in *KSR International Co. v. Teleflex Inc.*, quoting from *In re*

Kahn, 441 F.3d 977, 988 (CA Fed. 2006), "[R]ejections on obviousness grounds cannot be

sustained by mere conclusory statements; instead, there must be some articulated reasonings with some rational underpinning to support the legal conclusion of obviousness."

Therefore, if the above-identified criteria and rationales are not met, then the cited reference(s) fails to render the claims obvious and, thus, the claims are distinguishable over the cited reference(s).

- **Claims 1 and 16:**

Claims 1 and 16 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Niermann in view of Garcia-Martin and further in view of Tovander. This rejection is respectfully traversed for at least the following reasons.

- o Independent Claim 1:

Independent claim 1 recites, *inter alia,*

> accessing a network selection table comprised within a message transport part layer 3 (MTP3) application programming interface (API) level of a protocol stack to determine how to process the message, wherein the protocol stack comprises both a MTP3 layer and a MTP3 user adaptation layer (M3UA) layer, and wherein the network selection table comprises entries that associate point codes with network types. (*Emphasis added*)

Niermann in view of Garcia-Martin and Tovander fails to teach or suggest the features recited above for at least the following reasons.

In setting forth the rejection of claim 1, the Office Action correctly admits that Niermann fails to teach or suggest "accessing a network selection table ... wherein the network selection table comprises entries that associate point codes with network types," as recited above in claim 1 (See *Office Action*, page 4).

The Office Action then asserts that those features are disclosed by Garcia-Martin, in col. 5, lines 19-60 (See *Office Action*, page 5). However, that assertion is respectfully

traversed because, in col. 5, lines 19-60, Garcia-Martin discloses a lookup (or routing) table

being used in a MTP level 3 to perform the mapping between the signaling point identifiers

and signaling links, wherein the signaling point identifiers typically include Network

Indicator (NI) and destination Signaling Point Code (SPC).

As such, the routing table disclosed in Garcia-Martin is for using the Network

Indicator or Signaling Point Code to find the right signaling links to send packets to their

destinations. Thus, the routing table of Garcia-Martin is not for selecting a network type

from a point code. As a result, the routing table of Garcia-Martin is not a network selection

table, as recited in claim 1. In fact, because Garcia-Martin discloses in col. 5, lines 19-60 that

the signaling point identifiers of the packets received by the routing table typically have the

Network Indicator, the packets that go through the routing table of Garcia-Martin already

have the Network Indicators that indicates the network types. Therefore, the routing table of

Garcia-Martin is not for converting point codes to network types. As a result, the routing

table of Garcia-Martin fails to include entries that associate point codes with network types.

Accordingly, contrary to the assertion by the Office Action, Garcia-Martin fails to teach or

suggest, in col. 5, lines 19-60 and the rest of its disclosure, "accessing a network selection

table ... wherein the network selection table comprises entries that associate point codes with

network types," as recited in independent claim 1.

Furthermore, in setting forth the rejection of claim 1, the Office Action asserts that the

routing table disclosed in Garcia-Martin is "a network selection table" and utilize the routing

table as a "network selection table" to modify the signaling gateway SG 114A disclosed in

paragraph [0040] of Niermann (See *Office Action*, pages 4 and 5). However, Niermann

discloses in paragraph [0040] that the SG 114A will route the traffic using the Network

Indicator of the traffic. Thus, the traffic received at the SG 114A of Niermann already has a

Network Indicator that indicates the network type of the destination. Therefore, there is

clearly no need to add a network selection table into the signaling gateway SG 114A or any

other element in Niermann to select a network type. As a result, one skilled in the art would

not have added a network selection table comprising entries that associate point codes with

network types into Niermann, and accessing that network selection table to determine how to

process a message. Accordingly, even if Garcia-Martin disclosed a network selection table,

which it does not, it would not have been obvious for one skilled in the art to utilize the

routing table of Garcia-Martin into Niermann.

Tovander is not relied upon in the rejection of claim 1 for disclosing the features of

"accessing a network selection table" recited above (See *Office Action,* pages 5-6 and

explanations below). Nor does Tovander teach or suggest those features. Therefore, even if

assuming for the sake of argument that somehow one skilled in the art were motivated to

combine Niermann, Garcia-Martin, and Tovander, the proposed combination of Niermann in

view of Garcia-Martin and Tovander fails to yield "accessing a network selection table...

wherein the network selection table comprises entries that associate point codes with network

types," as recited in independent claim 1.

Independent claim 1 also recites,

> processing the message with the MTP3 layer if it is determined that the point code associated with the originating network element corresponds to the SS7 network; and
> processing the message with the M3UA layer if it is determined that the point code associated with the originating network element corresponds to the IP network.

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In setting forth the rejection of claim 1, the Office Action correctly admits that

Niermann in view of Garcia-Martin fails to teach or suggest the features recited above (See

Office Action, page 5). The Office Action then asserts that Tovander discloses the feature

"processing the message with the MTP3 layer if it is determined that the point code

associated with the originating network element corresponds to the SS7 network" in Figs. 1,

4, and 5 and col. 3, lines 60-65 and col. 6, lines 59-64 (See *Office Action*, page 6).

That assertion is respectfully traversed because Tovander fails to teach or suggest

those features. For instance, in col. 3, lines 60-65 and col. 6, lines 59-64, Tovander discloses

that in Fig. 1, the voice gateways or access servers (VG/AS) array 30 is coupled to the SS7

gateway 20, and that "[w]hen a message is received from PSTN 12, the DPC, OPC, NI, and

CIC are used to determined which VG/AS to which the message is sent." As such, Tovander

merely discloses determining a gateway or server (VG/AS) to send a message received from

a public switch telephone network (PSTN). However, determining which gateways or

servers (VG/AS) to send a message from a public switch telephone network is not the same

as determining whether a point code associated with the originating network element

corresponds to the SS7 network, as recited in claim 1. Therefore, contrary to the assertion by

the Office Action, Tovander fails to teach or suggest "processing the message with the MTP3

layer if it is determined that the point code associated with the originating network element

corresponds to the SS7 network," as recited in claim 1.

The Office Action also asserts that Tovander discloses in Figs. 1, 4, 5, col. 3, lines 60-

65, col. 4, lines 14-16, and col. 7, lines 17-23, the feature "processing the message with the

M3UA layer if it is determined that the point code associated with the originating network

element corresponds to the IP network" recited in claim 1 (See *Office Action*, page 6). That

assertion is also respectfully traversed because Tovander fails to teach or suggest processing

a message in a M3UA layer or determining whether a point code corresponds to an IP

network. Specifically, in col. 3, lines 60-65, Tovander discloses that the voice gateways or

access servers (SG/AS) in Fig. 1 is coupled to the SS7 gateway 20. In col. 4, lines 14-16,

Tovander discloses that "Each signaling point uses a routing table to select the appropriate

signaling path for each message." In col. 7, lines 17-23, Tovander discloses, "When a

message from VG/AS is received, the Handle and the CIC is used to fin[d] the mapping

information... If no mapping data is found the message is discarded. If the data is found, the

message is sent to the PSTN 12 using the data in the table and received in the message."

Thus, none of the passages above in Tovander discusses determining whether the point code

of a message corresponds to an IP network, and processing a message in the M3UA layer if it

is determined that the point code corresponds to an IP network. Accordingly, Tovander fails

to teach or suggest, "processing the message with the M3UA layer if it is determined that the

point code associated with the originating network element corresponds to the IP network,"

as recited in claim 1.

Therefore, Tovander fails to cure the deficiencies of Niermann in view of Garcia-

Martin. As a result, even if assuming for the sake of argument that one skilled in the art were

somehow motivated to utilize the disclosure of Tovander to modify Niermann in view of

Garcia-Martin, the proposed combination of Niermann in view of Garcia-Martin and

Tovander fails to yield the features "processing the message with the MTP3 layer if it is

determined that the point code associated with the originating network element corresponds

to the SS7 network; and processing the message with the M3UA layer if it is determined that

the point code associated with the originating network element corresponds to the IP

network," as recited above in claim 1.

For at least the foregoing reasons, independent claim 1 is *not* obvious in view of the

proposed combination of Niermann in view of Garcia-Martin and Tovander. Therefore,

withdrawal of the rejection of independent claim 1 and allowance of the claim is respectfully

requested.

o <u>Dependent Claim 16:</u>

Claim 16 is dependent from independent claim 1. Thus, claim 16 is also believed to

be allowable over the cited documents of record for at least the same reasons as set forth

above in connection with independent claim 1. It is therefore respectfully requested that the

rejection of claim 16 be withdrawn, and this claim be allowed.

- **<u>Claims 2 and 15:</u>**

Claims 2 and 15 were rejected under 35 U.S.C. §103(a) as allegedly being

unpatentable over Niermann in view of Garcia-Martin in view of Tovander and further in

view of Larson. This rejection is respectfully traversed for at least the following reasons.

Claims 2 and 15 are dependent from independent claim 1. As discussed above, the

proposed combination of Niermann in view of Garcia-Martin and Tovander fails to disclose

all of the features of independent claim 1. In setting forth the rejection of claims 2 and 15,

the Examiner has not and cannot reasonably assert that the disclosure contained in Larson

makes up for any of the deficiencies with respect to the proposed combination of Niermann

in view of Garcia-Martin and Tovander. Accordingly, even assuming for the sake of

argument that one of ordinary skill in the art were somehow motivated to modify Niermann in view of Garcia-Martin and Tovander with the disclosure contained in Larson, the proposed modification would still fail to yield all of the features of independent claim 1, upon which claims 2 and 15 depend.

For at least the foregoing reasons, the Examiner has failed to establish that claims 2 and 15 are *prima facie* obvious in view of the combined disclosures contained in Niermann, Garcia-Martin, Tovander, and Larson, as proposed by the Examiner. Therefore, withdrawal of the rejection of claims 2 and 15 and allowance of these claims are respectfully requested.

- **Claim 4:**

Claim 4 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Niermann in view of Garcia-Martin and Tovander, and further in view of Khandri. This rejection is respectfully traversed for at least the following reasons.

Claim 4 is dependent from independent claim 1. Thus, claim 4 is believed to be allowable over the cited documents of record for at least the same reasons as set forth to independent claim 1 above. It is therefore respectfully requested that the rejection of claim 4 be reversed, and this dependent claim be allowed.

- **Claims 5, 8, and 12:**

Claims 5, 8, and 12 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Niermann in view of Garcia-Martin and Tovander, and further in view of Khandri. This rejection is respectfully traversed for at least the following reasons.

o   <u>Independent Claim 5:</u>

Independent claim 5 recites, *inter alia*,

    access <u>a network selection table</u> comprised within a message transport
part layer 3 (MTP3) application programming interface (API) level of a
protocol stack to determine how to process the message, wherein the protocol
stack comprises both a MTP3 layer and a MTP3 user adaptation layer
(M3UA) layer, and <u>wherein the network selection table comprises entries that
associate point codes with network type</u>. (*Emphasis added*)

Thus, independent claim 5 recites features similar to those of independent claim 1 as

discussed above.   Thus, independent claim 5 is believed to be allowable over Niermann in

view of Garcia-Martin and Tovander for at least the same reasons as set forth above in

connection with independent claim 1. Moreover, Khandri is used to disclose a computer

readable medium (*Office Action*, page 15). Thus, Khandri is not relied upon as disclosing the

features recited above, nor does it teach or suggest those features. It is therefore respectfully

requested that the rejection of independent claim 5 be withdrawn and this claim be allowed.

o   <u>Dependent Claims 8 and 12:</u>

Claims 8 and 12 are dependent from independent claim 5. Thus, claims 8 and 12 are

also believed to be allowable over the cited documents of record for at least the same reasons

as set forth to independent claim 5 above. It is therefore respectfully requested that the

rejection of claims 8 and 12 be withdrawn, and these dependent claims be allowed.

• **<u>Claims 6 and 11:</u>**

Claims 6 and 11 were rejected under 35 U.S.C. §103(a) as allegedly being

unpatentable over Niermann in view of Garcia-Martin and Tovander, and further in view of

Khandri and Larson. This rejection is respectfully traversed for at least the following reasons.

Claims 6 and 11 are dependent from independent claims 1 and 5, respectively. Thus, they are also believed to be allowable over the cited documents of record for at least the same reasons as set forth above in connection with independent claims 1 and 5. It is therefore respectfully requested that the rejection of claims 6 and 11 be withdrawn, and these dependent claims be allowed.

Furthermore, claims 6 and 11 recite additional features not found in the cited documents of record. For instance, claim 11 recites, "wherein the device is not a signaling gateway." The feature recited in claim 11 refers to the service application such as 706 in Fig. 7 of the present application, which is not a signaling gateway. In fact, the entire disclosure of the present application discounts the use of a signaling gateway because it is expensive and adds routing complexity, and should be avoided (See *Specification*, page 2, lines 13-18 and page 6, lines 4-6).

In setting forth the rejection of claim 11, the Office Action admits that Niermann in view of Garcia-Martin, Tovander, and Khandri fails to teach or suggest the feature recited above (*Office Action*, page 19).

The Office Action then asserts that Larson discloses in the passage from col. 3, line 62 to col. 4, line 17, the feature recited above in claim 11. *Id.* However, that assertion is respectfully traversed because, in that passage, Larson merely discloses that the HLR (home location register) is integrated into a gateway. As such, the HLR of Larson becomes part of the signaling gateway. Thus, the device disclosed by Larson still includes a signaling gateway. Therefore, contrary to the assertion by the Office Action, Larson fails to teach or

suggest a device that is not a signaling gateway, as recited in claim 11. As a result, if

somehow one skilled in the art were motivated to utilize the disclosure of Larson into

Niermann, at best, that person in the art would integrate the HLR disclosed by Larson into the

signaling gateway SG 114A of Niermann. As a result, the proposed combination of

Niermann in view of Larson would yield a device that includes a signaling gateway. As such,

the proposed combination of Niermann in view of Garcia-Martin, Tovander, Khandri, and

Larson would not yield a device that is not a signaling gateway, as recited in claim 11.

- **Claim 9:**

Claim 9 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over

Niermann in view of Garcia-Martin and Tovander, and further in view of Khandri and

Lundstrom. This rejection is respectfully traversed for at least the following reasons.

Claim 9 is dependent from independent claim 5. Thus, claim 9 is also believed to be

allowable over the cited documents of record for at least the same reasons as set forth above

in connection with independent claim 5. It is therefore respectfully requested that the

rejection of claim 9 be withdrawn, and this claim be allowed.

- **Claim 10:**

Claim 10 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over

Niermann in view of Garcia-Martin and Tovander, and further in view of Khandri and

Prasad. This rejection is respectfully traversed for at least the following reasons.

Claim 10 is dependent from independent claim 5. Thus, claim 10 is also believed to

be allowable over the cited documents of record for at least the same reasons as set forth

above in connection with independent claim 5. It is therefore respectfully requested that the

rejection of claim 10 be withdrawn, and this claim be allowed.

- **Claim 13:**

Claim 13 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over

Niermann in view of Garcia-Martin in view of Tovander and further in view of Prasad. This

rejection is respectfully traversed for at least the following reasons.

Claim 13 is dependent from independent claim 1. Thus, claim 13 is also believed to

be allowable over the cited documents of record for at least the same reasons as set forth

above in connection with independent claim 1. It is therefore respectfully requested that the

rejection of claim 13 be withdrawn, and this claim be allowed.

- **Claim 14:**

Claim 14 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over

Niermann in view of Garcia-Martin and Tovander, and further in view of Lundstrom. This

rejection is respectfully traversed for at least the following reasons.

Claim 14 is dependent from independent claim 1. Thus, claim 14 is also believed to

be allowable over the cited documents of record for at least the same reasons as set forth

above in connection with independent claim 1. It is therefore respectfully requested that the

rejection of claim 14 be withdrawn, and this claim be allowed.

Conclusion

In light of the foregoing, withdrawal of the rejections of record and allowance of this

application are earnestly solicited. Should the Examiner believe that a telephone conference

with the undersigned would assist in resolving any issues pertaining to the allowability of the

above-identified application, please contact the undersigned at the telephone number listed

below. Please grant any required extensions of time and charge any fees due in connection

with this request to Deposit Account No. 08-2025.

                                        Respectfully submitted,

Dated: July 20, 2011   By   /Ashok K. Mannava/_____
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